

**BEFORE THE**  
**STATE OF WISCONSIN**  
**DIVISION OF HEARINGS AND APPEALS**

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In the Matter of the Denial of the  
Application for a Driver Instructor's  
License for Keo T. Vang

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Case No.: 95-H-911

**FINAL DECISION**

Keo T. Vang applied for a driver instructor's license. By letter dated May 23, 1995, the Wisconsin Department of Transportation denied the application. By letter dated May 30, 1995, the Wisconsin Department of Transportation requested the Division of Hearings and Appeals to conduct a hearing to review the denial. Pursuant to due notice a hearing was held on July 11, 1995 at Madison, Wisconsin. Mark J. Kaiser, Administrative Law Judge, presided.

In accordance with §§227.47 and 227.53(1)(c), Stats., the PARTIES are certified as follows:

Wisconsin Department of Transportation, petitioner, by

Attorney Barbara F. Bird  
Office of General Counsel  
P.O. Box 7910  
Madison, WI 53707-7910

Keo T. Vang, respondent  
1646 South 26th Street  
Milwaukee, WI 53204-2555

The Administrative Law Judge issued a proposed decision on July 26, 1995. No comments on the proposed decision were filed. The proposed decision is adopted as the final decision in this matter.

**FINDINGS OF FACT**

The Administrator finds:

1. Keo T. Vang is an adult resident of Wisconsin. By application dated May 13, 1995, Keo T. Vang applied for a driver instructor's license.
2. Keo T. Vang was convicted of an underage person transporting intoxicants in a motor vehicle, City of Wausau citation Q056426-6. As a result of this conviction a forfeiture was assessed. On February 4, 1992, the operator's license of Keo T. Vang was suspended pursuant to §345.47(1)(b), Stats., for failure to pay the forfeiture. His operator's license was reinstated on March 10, 1995.
3. By letter dated May 23, 1995, the Wisconsin Department of Transportation denied the application of Keo T. Vang for a driver instructor's license. The reason for the denial was that Keo T. Vang has an unsatisfactory driving record.

CONCLUSIONS OF LAW

The Administrator concludes:

1. Pursuant to §343.65(2), Stats., the secretary of the Department of Transportation may deny the application of a person for a driver instructor's license if the person does not have a driving record satisfactory to the secretary.
2. Pursuant to §Trans 105.03(1)(c), Wis. Adm. Code, a person's driving record shall not be considered satisfactory to hold a driving instructor's license if the person has had his or her operator's license revoked, suspended or canceled for a traffic violation other than a parking violation, at any time during the past four years.
3. Section 343.01(2)(cg), Stats., defines a moving violation as a violation of chapter 110, of chapter 194, or of chapters 341 to 349 and 351, Stats. Pursuant to this definition, the suspension of the operating privileges of Keo T. Vang for failure to pay a forfeiture is a traffic violation.
4. The Division of Hearings and Appeals has the authority pursuant to §§343.69 and 227.43(1)(bg), Stats., to issue the following order.

ORDER

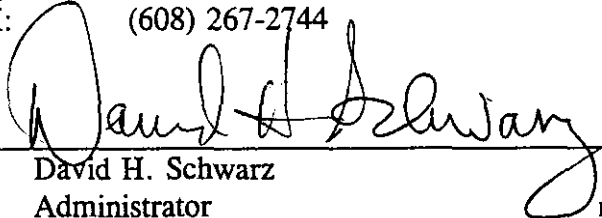
The Administrator orders:

The denial of the Department of Transportation of the application of Keo T. Vang for a driver instructor's license is affirmed.

Dated at Madison, Wisconsin on August 15, 1995.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705  
Telephone: (608) 266-7709  
FAX: (608) 267-2744

By

  
David H. Schwarz  
Administrator

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## NOTICE

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Set out below is a list of alternative methods available to persons who may desire to obtain review of the attached decision of the Division. This notice is provided to insure compliance with §227.48, Stats., and sets out the rights of any party to this proceeding to petition for rehearing and administrative or judicial review of an adverse decision.

1. Any person aggrieved by the attached order may within twenty (20) days after service of such order or decision file with the Division of Hearings and Appeals a written petition for rehearing pursuant to §227.49, Stats. Rehearing may only be granted for those reasons set out in §227.49(3), Stats. A petition under this section is not a prerequisite for judicial review under §§227.52 and 227.53, Stats.
2. Any person aggrieved by the attached decision which adversely affects the substantial interests of such person by action or inaction, affirmative or negative in form is entitled to judicial review by filing a petition therefore in accordance with the provisions of §§227.52 and 227.53, Stats. Said petition must be filed within thirty (30) days after service of the agency decision sought to be reviewed. If a rehearing is requested as noted in paragraph (1) above, any party seeking judicial review shall serve and file a petition for review within thirty (30) days after service of the order disposing of the rehearing application or within thirty (30) days after final disposition by operation of law. Any petition for judicial review shall name the Division of Hearings and Appeals as the respondent. Persons desiring to file for judicial review are advised to closely examine all provisions of §§227.52 and 227.53, Stats., to insure strict compliance with all its requirements.